S.B.CRIMINAL MISC. SECOND BAIL APPLI.NO.2777/2006
(Fauza Ram vs. State of Rajasthan)

DATE OF ORDER : 24.7.2006

HON'BLE MR.H.R.PANWAR,J.

Mr.Dhirendra Singh, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State.

This is second bail application. The first bail application came to be dismissed as infructuous on 2.3.2006 on the premise that learned Public Prosecutor made a statement that after investigation the police has proposed to file negative final report and in view of the statement of learned Public Prosecutor, the learned counsel for the petitioner stated that the instant petition has become infructuous. However, learned counsel for the petitioner submits that after investigation, police instead of filing negative final report, proposed to file a challan against the petitioner.

In compliance of order dt. 28.11.2005, the petitioner has already appeared before the Investigating Officer and has been interrogated. His specimen of handwriting and signature was

taken and sent to the Forensic Science Laboratory. Since the petitioner has already been interrogated and furnished his signature, there is hardly any need to send him into the custody of police.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Fauza Ram s/o Ratnaji in FIR No.151/2005, Police Station, Raniwara, Distt. Jalore, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-